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Gray Davis
Governor

Scott Williams
Sherwood Development Company
300 West Potrero Road
Thousand Oaks, Ca 91361

WATER QUALITY CERTIFICATION FOR PROPOSED LAKE SHERWOOD GEOTECHNICAL SURVEY PROJECT (Corps' Project No. 2004-00293-JWM), POTRERO CREEK, CITY OF THOUSAND OAKS, VENTURA COUNTY (File No. 03- 169)

Dear Mr. Williams:

Regional Board staff has reviewed your request on behalf of the Sherwood Development Company (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 5, 2003.

I hereby certify that any discharge from the Lake Sherwood Geotechnical Survey Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

_____[Original signed by]_____
Dennis A. Dickerson
Executive Officer

March 16, 2004
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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Ventura, CA 93003

ATTACHMENT A

Project Information

File No. **03-169**

1. Applicant: Sherwood Development Co.
300 West Potrero Road
Thousand Oaks, CA 91361

Phone No: 805-496-1833
2. Applicant's Agent: Larry Lodwick
Impact Sciences
30343 Canwood Street, Suite 210
Agoura Hills, Ca 91301

Phone No: 818-879-1100 Fax No: 818-879-1440
3. Project Name: Lake Sherwood Geotechnical Survey
4. Project Location: City of Thousand Oaks, Ventura County

Longitude: 34° 07' 25"N; Latitude: 118° 51' 30"W
Longitude: 34° 07' 18"N; Latitude: 118° 53' 00"W
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5. Type of Project: Geotechnical Exploration
6. Project Description: *Background:*
The proposed Lake Sherwood Development, located in the City of Thousand Oaks, Ventura County, California is spread over approximately 639 acres.

Purpose:
The purpose of the proposed project is to conduct geotechnical exploratory surveys for a tentative tract, which will be part of a large residential development in the City of Thousand Oaks. The objective of the surveys is to obtain information regarding the soil and slope stability in the area.

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Description:

The project activities will consist of digging backhoe or excavator pits, which will be closed immediately upon exploration or completion. The techniques to be utilized for exploration include:

- Vegetation clearing along a predetermined route;
- At select locations, trenching or drilling will be necessary for exploration; and
- Grading and/or negligible grading to fill gullies in the preexisting road or create a new roadway.

In order to perform the exploratory activities, five streams on the northern portion of the property and six streams on the southern portion of the property will be temporarily impacted. Less than 0.05 acres of temporary impact would occur within the unvegetated streams.

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|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 6 (Survey Activities)
Permit No. 2004-00293-JWM |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15304 (Minor Alterations to Land). |
| 10. Receiving Water: | Potrero Creek (Hydrologic Unit No. 404.25) |
| 11. Designated Beneficial Uses: | MUN, GWR, REC-1, REC-2, WARM, WILD |

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| 12. Impacted Waters of the United States: | Non-wetland waters (unvegetated streambed): < 0.05 temporary acres |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | This proposal is part of an ongoing proposed large residential development which will be expanded during 2006-2007. The current project is for the required geotechnical exploratory surveys required in order to ensure that building sites are stabilized prior to construction. This Certification only covers the geotechnical surveys as described in the application. Impacts from the actual development of the property will be addressed under separate Certification. |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Soils excavated for geotechnical survey will be temporarily stored outside of stream channels and shall be replaced and stabilized upon survey completion; and• Excavations will be monitored by a biologist to ensure that soils and subsoils are not placed into locations that will allow for sedimentation into on-site streams. |

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16. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation, as the impacts associated with the project are minimal and temporary in nature. The Applicant has proposed to restore all temporarily impacted areas.

Following the survey activities, residential planning and development will create additional impacts which would be addressed in a formal Jurisdictional Delineation Report. At that time, a separate application for a Water Quality Certification will be submitted in order to address mitigation requirements.

17. Required
Compensatory
Mitigation:

The Regional Board will require restoration of all temporarily impacted areas. The restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 03-169

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **03-169**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
3. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this Certification.

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4. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
5. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
6. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
7. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
8. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
9. The Applicant shall not conduct any activities within waters of the state during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any activities are to be held within **five (5) days** of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
10. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of

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Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

11. Any activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
12. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
13. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
14. The project proponent shall submit an **Annual Report** by **January 1st each year**. The report shall describe in detail all of the project activities actually performed during the previous year. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project impact areas;

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18. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
19. The Applicant or their agents shall report any noncompliance with this Certification. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
20. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this certification, the SWRCB or RWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

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21. This certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this certification if renewal is requested.